

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

**RESOLUTION ESTABLISHING GENERAL CONDITIONS TO BE APPLIED TO
SMALL DOMESTIC USE AND LIVESTOCK STOCKPOND USE REGISTRATIONS**

WHEREAS:

1. Senate Bill 1839 (1988), also known as the Water Rights Permitting Reform Act of 1988, established Water Code sections 1228 through 1229.2, collectively known as the Water Rights Registration Program, which provides for the acquisition of water rights for Small Domestic Use purposes through registration of the use with the State Water Resources Control Board (State Water Board). Senate Bill 1775 (2000) modified the Water Rights Registration Program to add Livestock Stockpond Use to the program. Assembly Bill 964 (2011) modified the Water Rights Registration Program to add Small Irrigation Use to the program, and modified certain Water Code sections to provide for additional options for Small Domestic Use registration.
2. Water Code section 1228.6 requires the State Water Board to establish, and from time to time revise, reasonable general conditions for the Water Rights Registration Program.
3. The delegation of authorities from the State Water Resources Control Board to the Deputy Director for Water Rights (Resolution 2012-0029) authorizes the Deputy Director for Water Rights to establish and revise a list of general conditions to be applied to registrations for Small Domestic Use, Livestock Stockpond Use, and Small Irrigation Use.

THEREFORE BE IT RESOLVED THAT:

The Deputy Director for Water Rights establishes the general conditions listed below to be applied to registrations for Small Domestic Use and Livestock Stockpond Use, except that these registrations may not be submitted for the storage or diversion of water by means of an onstream dam constructed on a Class I or Class II stream after July 19, 2006 within the area described in paragraph (1) of subdivision (a) of Water Code section 1259.4.

GENERAL CONDITIONS

5. **For term 5, select one of the following paragraphs:**

Direct diversion:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion to be diverted from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

Storage in one reservoir or one or more tanks:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] acre-feet per year** to be collected from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**.

Storage in more than one reservoir:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] acre-feet per year** to be collected from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall not exceed the following: **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, etc.

Direct diversion and storage in one reservoir or one or more tanks within the same season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in one reservoir or one or more tanks within different seasons:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]**. Include this sentence if a reservoir is part of the registration: The capacity of the reservoir shall not exceed **[Amount] acre-feet**. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in more than one reservoir within the same season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall not exceed the following: **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, etc. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

Direct diversion and storage in more than one reservoir within different seasons:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **[Amount] gallons per day** by direct diversion from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** and **[Amount] acre-feet per year** by storage from **[Month Day of each year to Month Day of the succeeding year] OR [Month Day to Month Day of each year]** as follows: **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet per year** in **[Reservoir # or Name Reservoir]**, etc. The capacities of the reservoirs shall not exceed the following: **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, **[Amount] acre-feet** for **[Reservoir # or Name Reservoir]**, etc. The maximum amount diverted under this right shall not exceed **[Amount] acre-feet per year**.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
11. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.
12. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
13. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
14. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

15. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
16. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife.
17. This right does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
18. This right is subject to the submittal of a report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current renewal fees prior to the expiration of each five-year period following the priority date of this right. (Wat. Code, § 1228.5.)
19. This right shall be revoked by operation of law upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5, subd. (d).)
20. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, (3) failure to observe any of the terms or conditions of this right, or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JAN 27 2014